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2014 OCT 29 PM 12:36

OFFICE OF GENERAL
COUNSEL

**BEFORE THE
FEDERAL ELECTION COMMISSION**

Rebecca West

Pryor, OK 74361

MUR 6895

Complainant,

v.

Inhofe Victory Committee 2014
901 N. Washington Street Suite 700
Alexandria, VA 22314

Friends of Jim Inhofe
P.O. Box 13300
Oklahoma City, Oklahoma 73113

Fund For A Conservative Future
P.O. Box 96
Alexandria, Virginia 22313

Respondents.

COMPLAINT

Complainant files this complaint under 52 U.S.C. § 30109(a)(1) against Inhofe Victory Committee 2014, Friends of Jim Inhofe, Fund For A Conservative Future and Timothy A Koch in his official capacity as Treasurer of Inhofe Victory Committee 2014, Friends of Jim Inhofe and Fund For A Conservative Future (collectively, "Respondents") for violations of the Federal Election Campaign Act of 1971, as amended (the "Act").

I. FACTS

Senator Jim Inhofe is a United States Senator from Oklahoma and a candidate for Senate in the November 4, 2014 election. Inhofe Victory Committee 2014 is the joint fundraising committee authorized and formed to benefit Friends of Jim Inhofe, Senator Inhofe's authorized campaign committee, and Fund For A Conservative Future, Senator Inhofe's leadership PAC.

On September 5-6, 2014, Inhofe Victory Committee 2014 held a political fundraiser entitled "U.S. Senator Jim Inhofe's 10th Anniversary Dove Hunt." The main focus of this fundraiser was an "Old World" pigeon shoot, an event at which workers threw live pigeons into the air for Senator Inhofe and his attendees to shoot as living targets. The event was widely reported on in the press, and a representative from the organization Showing Animals Respect and Kindness ("SHARK") paid for a ticket and attended the event. This attendee took photos, recorded video footage and publicly released a written account of what occurred at the fundraiser.¹ The information gathered from this individual prompted SHARK to file a complaint with the U.S. Department of Justice alleging, among other things, animal cruelty and misuse of public lands.²

The first hand report from the SHARK representative in attendance at the event states that at the fundraiser "there were two Kiowa County [Oklahoma] Sheriff vehicles and officers at the gate. They appeared to be acting as security for the event, as they were checking wrist bands

¹ See "Inhofe Cruelty," Showing Animals Respect and Kindness, <http://www.sharkonline.org/index.php/oklahoma/1504-oklahoma-cruel-pigeon-shoot> (last visited Oct. 21, 2014); Statement by SHARK representative, available at <http://www.sharkonline.org/images/handouts/statement.pdf>.

² The full complaint filed with the Department of Justice is available in Exhibit A. The exhibits attached to the complaint are available in Exhibit B.

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(given to attendees of the fundraiser) to make sure no activists got in.”³ It is unclear, however, whether these employees were paid to attend the fundraiser while off-duty, and if so, by whom. SHARK reports that Senator Inhofe’s campaign manager, Rusty Appleton, indicated that off-duty employees from the sheriff’s office were paid to work the event.⁴ However, only a single payment is shown on the joint committee’s FEC report for “security” in connection with an event, to a single individual.

Photos taken by the SHARK representative, as well as the recorded video, demonstrate that officers from the Kiowa County Sheriff’s office appear to have also used their official government vehicles at the event.⁵ We have seen no evidence that the State or county were reimbursed for these expenses.

II. LEGAL ARGUMENT

The Act limits the amount of money that any “person” may contribute to a political committee to \$2,600 per election for this election cycle. *See* 52 U.S.C. § 30116(a)(1). While the Federal government is not considered to be a person for the purposes of this contribution limit, it is the only level of government that is so excluded. *See* 52 U.S.C. § 30101(11). The Commission has specifically declined to extend this exemption to State governments or their instrumentalities. *See* FEC Adv. Op. 1999-07 n. 3 (citing FEC Adv. Ops. 1977-22, 1982-26, 1984-48, and 1992-34). Accordingly, any contribution from a State or local government is subject to the contribution limits of the Act.

³ Statement by SHARK representative, available at <http://www.sharkonline.org/images/handouts/statement.pdf>.

⁴ *See* Exhibit A.

⁵ *See Id.*; “Inhofe Cruelty,” Showing Animals Respect and Kindness, <http://www.sharkonline.org/index.php/oklahoma/1504-oklahoma-cruel-pigeon-shoot> (last visited Oct. 21, 2014).

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A "contribution" includes "anything of value made by any person for the purpose of influencing any election for Federal office." 52 U.S.C. § 30101(8)(i). "Anything of value" in turn includes all in-kind contributions as well as "the provision of any goods or services." 11 C.F.R. § 100.52(d)(1). Examples of such goods or services explicitly include, but are not limited to, equipment, supplies and personnel. *Id.*

The facts here indicate that at least two officers from the sheriff's office worked at the event. The Inhofe Victory Committee 2014's FEC report for the time period indicates that only one individual was paid for security. Assuming that is an individual employee of the sheriff's office, if the other individual was on duty when working the event the Inhofe Victory Committee 2014 received a contribution in-kind from the sheriff's office for the value of his time. It is also clear that these officers wore their official uniforms and drove their official cars to the event, and the sheriff's office was not reimbursed for the use of these resources. In fact, we have seen no evidence of any payments being made to the sheriff's office at all. Therefore, in permitting the use of its official uniforms and vehicles, and perhaps its staff, the sheriff's office provided valuable equipment and supplies to the Inhofe Victory Committee 2014, and to its participants, that constitute a contribution under the Act.

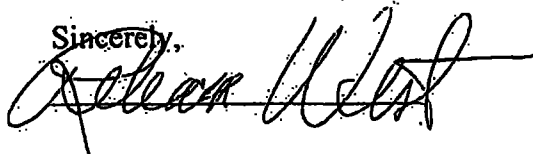
To the extent that the value of the State or local resources used to assist the execution of the event exceeds \$2,600, the Respondents have accepted a contribution in excess of the limits provided by the Act. *See* 52 U.S.C. § 30116(a)(1)(A).

CONCLUSION

For the reasons described above, we respectfully request the Commission investigate whether Respondents violated Federal law. Should the Commission determine that Respondents

have done so, we request that Respondents be enjoined from further violations and be fined the maximum amount permitted by law.

Sincerely,



SUBSCRIBED AND SWORN to before me this 24th day of October, 2014.



Notary Public

My Commission Expires:

9-23-2017



EXHIBIT A

100241000-1280

Dear Attorney General Holder,

2014 OCT 29 PM 12:38

On September 5, 2014, United States Senator James Inhofe held a political fundraiser that we believe violated multiple state and federal laws.

OFFICE OF GENERAL
COUNSEL

The fundraiser had a number of parts. The location of the registration, socializing and dinner was the Quartz Mountain Lodge in Lone Wolf, Oklahoma. An integral part of the fundraiser, however, was an "'Old World" Pigeon Shoot" (Please see **Exhibit A**) that occurred a few miles from the lodge, on land that we believe is owned by the federal government.

At the pigeon shoot, 1,000 birds, many who were tame and had bands on them, were hand thrown into the air and shot as living targets by Senator Inhofe and attendees of Senator Inhofe's fundraiser.

An investigator from my organization, SHowing Animals Respect and Kindness (SHARK), paid for his own ticket to the event and legally video and audio recorded the animal cruelty as well as statements made by Inhofe staff. Based on the evidence we recorded at the fundraiser, and what we have uncovered since then, we are presenting the following concerns that we ask your department to investigate.

- The acts of cruelty committed at the pigeon shoot clearly violated Oklahoma State law §1685, §1686 and §1691 (**Exhibit B**).
- Employees of the Oklahoma Department of Wildlife Conservation attended and worked at the political fundraiser, part of which occurred on federal land. Please see **Exhibit C** for the full, detailed statement on this issue.
- Kiowa County Sheriff officers were present and provided security for the pigeon shoot.

In *The Oklahoman*, Rusty Appleton, Senator Inhofe's campaign manager, was quoted about this: <http://newsok.com/inhofe-fundraiser-event-causes-flap/article/5344952/?page=2>

"The campaign paid off-duty sheriff's employees to work security, he said."

We are concerned that the campaign may not have followed the law to its full extent in hiring and reimbursing of the off-duty officers, especially as they were using their government vehicles for the event. We are not even sure if the officers were off-duty or

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not for this event. We ask that this issue be investigated to make sure the law was fully complied with.

- One of the attendees of the fundraiser and pigeon shoot was Principal Chief of the Cherokee Nation, Bill John Baker. Baker's step-son, Bryan Robertson, claimed in a post on Facebook that the pigeons were captured in Houston, Texas (**Exhibit D**).

In that same article in *The Oklahoman*, Rusty Appleton was asked about the pigeons.

"Appleton said the Inhofe campaign paid a contractor to 'trap the birds humanely' and kept the pigeons in the shade and watered them in the time leading up to the shoot."

Capturing the pigeons in Texas and transporting them to Oklahoma makes this an interstate commerce issue. That raises concerns over the procurement of these animals and if the proper taxes have been paid by the Inhofe campaign and the person who trapped them.

Pigeon shoots tend to exist in an underground economy where there are no records kept or taxes paid. However, Mr. Appleton's statement means that there should be specific records kept and we therefore request that be investigated.

In addition, according to the *"Health Requirements Governing the Admission of Animals,"* published by the Oklahoma Department of Agriculture, Food & Forestry (<http://digitalprairie.ok.gov/cdm/ref/collection/stgovpub/id/310051>), a Certificate of Veterinary Inspection was needed for the pigeons within 30 days of entry into Oklahoma, which included an Individual ID for each animal.

We do not believe this occurred and that the Inhofe campaign may have violated the law for the importation of animals into Oklahoma and across state lines.

- Our best research shows that the land that was used for the live pigeon shoot is owned by the US Department of the Interior, Bureau of Reclamation, and is managed by the Lugert-Altus Irrigation District.

Tom Buchanan serves as General Manager of the Lugert-Altus Irrigation District. He is also the Secretary of the Oklahoma Water Resources Board. Mr. Buchanan was present at the pigeon shoot and was filmed working at it; he was holding a live bird and appeared to be about to throw the bird into the air to be shot by the attendees of the

fundraiser. In 2008, Mr. Buchanan donated \$250 to Senator Inhofe's campaign, so he has shown to be a supporter of the Senator's electoral ambitions.

There are serious questions about why this federally owned land was being used not just for a pigeon shoot, but for a political fundraiser for Senator Inhofe, who, it must be noted, got, "\$5,000,000 for water related infrastructure improvement projects at the Lugert-Altus Irrigation District, Altus, Oklahoma." <http://www.inhofe.senate.gov/newsroom/press-releases/inhofe-successfully-leads-effort-to-enact-wrda>

We ask you to investigate Mr. Buchanan's role in the fundraiser, as he may have abused his power to allow an electioneering event to be held on the federally owned land he manages.

While some of the concerns we have presented are related to state law, we believe the Justice Department has a vital role to play as the local authorities are refusing to take any action.

We have made multiple attempts to contact the authorities in Oklahoma, including the Kiowa County Sheriff's Department as well the Assistant District Attorney that covers the area where the shoot took place. That ADA instructed his receptionist to tell us that he would not speak to us and that we should contact his supervisor, District Attorney John Wampler. We faxed and called DA Wampler and the Sheriff's department but they have so far refused to return or any of our messages. We've also reached out to the Department of Wildlife Conservation and heard nothing back. Elected officials both Democrat and Republican have refused to respond.

We believe that these authorities will do nothing to investigate the serious issues we have presented to them. This is not speculation; the aforementioned Rusty Appleton, Inhofe's campaign manager, was recorded on audio stating that explicitly.

Prior to the fundraiser, PETA had complained to the District Attorney and Sheriff's office about the pigeon shoot. Mr. Appleton told some attendees of the pigeon shoot the following:

"But ah, but this year, is the first year that PETA like, um PETA called the District Attorney and the Sheriff on us for doing this. And of course nobody cared. Nobody is doing anything about it."

Senator Inhofe is a powerful politician. When presented with a potential violation of the law by Senator Inhofe's campaign, the local authorities chose to do nothing.

Bear in mind that the same sheriff's department that is supposed to have enforced the law was, according to Mr. Appleton, being paid by the campaign for security.

Powerful politicians need to be held accountable under the law for their actions. When local and state authorities fail, we turn to the Federal Government to keep the law from being rendered meaningless.

Sincerely,

Steve Hindi
President, SHowing Animals Respect and Kindness

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EXHIBIT B

Exhibit A
Invitation

[illegible]

Schedule of events for the fundraiser

10th Anniversary Inhofe Dove Hunt

**Friday, September 5th and
Saturday, September 6th, 2014**

**Quartz Mountain Lodge & Resort
Lone Wolf, Oklahoma**

Agenda

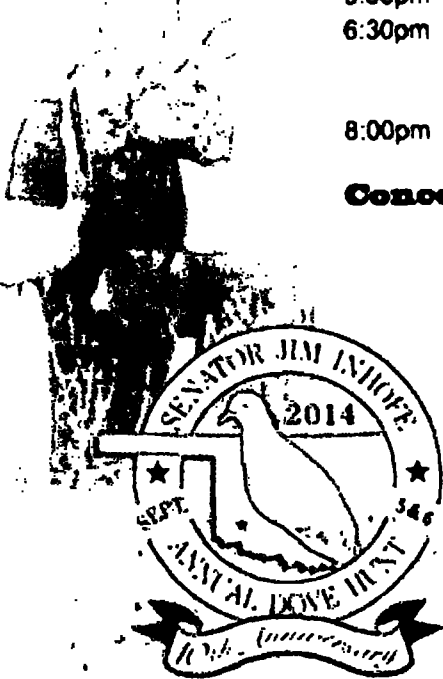
Friday, September 5th

- 12:00pm Registration and Lodge Check In
- 2:00pm Gather at Outdoor Amphitheater for Photos
- 2:45pm Group Photo Shoot
- 3:00pm "Old World" Pigeon Shoot on shooting ground with Five Stand
- 6:30pm Host Reception with Senator Inhofe &
Special Guests - To Be Announced
Including the famous "Wild Game Hors D'Oeuvres"
- 8:00pm Dinner with Senator Inhofe & Special Guests

Concert by Musical Guest Stoney LaRue

Saturday, September 6th

- 5:00am Breakfast at Lodge Restaurant
- 6:15am Depart Quartz Mountain Lodge for morning hunt
- 10:30am Lunch at Altus Cotton Gin



RSVP:

Amanda Hall at 405-418-7545
amandahall@jiminhofe.com
or

Amy Bradley at 703-836-5351
amyfordbradley@comcast.net.

**Lodge reservation deadline
for guests and hunters
is August 31, 2014**

Paid for by Inhofe Victory Committee 2014, a joint fundraising committee authorized by and formed to benefit
Friends of Jim Inhofe and the Fund For A Conservative Future

Exhibit B

Pigeons have existed in North America since the 1600's, 300 years before Oklahoma became a state. That means they were native to Oklahoma at the time of its creation in 1907. Pigeons do not fall under the state Game Code nor are they excluded from the anti-cruelty statutes. That means they are a protected species.

Oklahoma State Anti-Cruelty Statutes.

§ 1685. Cruelty to animals

Any person who shall willfully or maliciously torture, destroy or kill, or cruelly beat or injure, maim or mutilate any animal in subjugation or captivity, whether wild or tame, and whether belonging to the person or to another, or deprive any such animal of necessary food, drink, shelter, or veterinary care to prevent suffering; or who shall cause, procure or permit any such animal to be so tortured, destroyed or killed, or cruelly beaten or injured, maimed or mutilated, or deprived of necessary food, drink, shelter, or veterinary care to prevent suffering; or who shall willfully set on foot, instigate, engage in, or in any way further any act of cruelty to any animal, or any act tending to produce such cruelty, shall be guilty of a felony and shall be punished by imprisonment in the State Penitentiary not exceeding five (5) years, or by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding Five Thousand Dollars (\$5,000.00). Any animal so maltreated or abused shall be considered an abused or neglected animal.

- SHARK's evidence shows that pigeons were willfully kicked, mutilated, shot, wounded, destroyed and tortured.

§ 1686. Abandoned animals--Destroyed how

D. For the purpose of the provisions of this section and Section 1691 of this title, the term "abandon" means the voluntary relinquishment of an animal and shall include but shall not be limited to vacating a premises and leaving the animal in or at the premises, or failing to feed the animal or allowing it to stray or wander onto private or public property with the intention of surrendering ownership or custody over the animal.

- Numerous pigeons were abandoned at the shoot. Some birds were wounded, yet could fly away, while those who were not wounded dispersed to other areas outside the shooting field. As many of these birds appeared tame, they would most likely not have had any ability to survive on their own.

§ 1691. Abandoning of domestic animals along streets or highways or in any public place prohibited

Any person who deposits any live dog, cat, or other domestic animal along any private or public roadway, or in any other private or public place with the intention of abandoning the domestic animal upon conviction, shall be guilty of a misdemeanor.

- SHARK's documentation shows that some of the pigeons had bands on their legs, meaning they were owned and domesticated. Whether wild or domesticated, the abandonment of these birds is illegal under the law.

Exhibit C

Oklahoma Department of Wildlife Conservation Employees and the Inhofe Political Fundraiser

Employees of the Oklahoma Department of Wildlife Conservation (ODWC) attended and worked at a political fundraiser held for Oklahoma Senator James Inhofe, on September 5, 2014. The most important fact to understand is that this was an electioneering event. Every aspect of the day - from being at the Quartz Mountain Lodge, including the outside amphitheater where Senator Inhofe gave a speech - to the trap shooting and, of course, the live pigeon shoot itself were all parts of the fundraiser. The fact that state employees were working at the event means that public tax dollars were used for an electioneering event that supported a specific candidate for office.

In the *Daily Oklahoman* (<http://newsok.com/inhofe-fundraiser-event-causes-flap/article/5344952/?page=2>) it stated the following:

Micah Holmes, information supervisor for the Oklahoma Department of Wildlife Conservation, said his agency puts on shotgun training sessions using clay pigeons for church and scouting groups and many other organizations.

This was not a church, boy scout or non-profit event, neither was it a public event that anyone could attend. This was a political fundraiser. The only people allowed to attend, and who the ODWC wardens would have been "training," had to donate money (minimum \$250) to the "Inhofe Victory Committee 2014," which was a joint fundraiser benefiting Senator Inhofe's personal campaign account as well as his Leadership PAC, the "Fund for a Conservative Future."

In an article posted on Guns.com (<http://www.guns.com/2014/09/24/activist-group-releases-undercover-video-of-senators-pigeon-shoot-video/>) it stated the following:

Department of Wildlife Lt. Jeff Headrick was at the fundraiser for an unknown amount of time, but he said he wasn't there in an official capacity and happened to be on the grounds at the same time as the event.

"We weren't there for the pigeon shoot," Headrick told Guns.com. "Our department does some PR stuff ... and we were there with a step trailer, so we do different things for different organizations all the time."

Lt. Headrick would like us to believe that the wardens just "happened" to be on the grounds as if they stumbled upon the fundraiser by accident. That is false.

Statement from the investigator who attended the fundraiser:

When I arrived at the Quartz Mountain Lodge, where attendees of the fundraiser for Senator Inhofe signed in and socialized, I saw a warden with the ODWC. He was wearing his uniform and was not in civilian clothes. I was not sure why a state employee would be at a fundraiser for a candidate for federal office, so I approached and asked him if he was there for the shoot. He told me he was.

An hour or more later, and before the pigeon shoot began, the attendees of the fundraiser gathered at the lodge's outdoor amphitheater where Senator Inhofe made a speech and Congressman Markwayne Mullin was introduced. After reviewing

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photographs taken of that gathering, which were posted online by the "Southwest Oklahoma Republican Women," I noted two individuals who appeared to be wearing the ODWC warden uniform.

What this shows is that the wardens did not just "happen" to be at the pigeon shoot location (which was a few miles from the lodge), but were present at the lodge itself and at a number of aspects of the fundraiser, including the political speech given by Senator Inhofe at the lodge's amphitheater.

There were at least two different ODWC trucks onsite at the pigeon shoot. The logo on the ODWC Chevrolet Silverado had "I&E" added to the logo, which Stands for Information and Education: <http://www.wildlifedepartment.com/education/contactus.htm>. Part of what I&E does is the "STEP" program. This is actually mentioned by Lt. Headrick in his quote to Guns.com "...we were there with a step trailer."

Here is the ODWC page for the Shotgun Training and Education Program (STEP) <http://www.wildlifedepartment.com/education/step.htm>.

According to their own rules, it states the following:

1. Hunter recruitment and public shooting opportunities – The recruitment of new hunters is accomplished by presenting programs and providing wing-shooting opportunities to various groups that traditionally have little or no exposure to these activities. Such groups include women's organizations, youth groups and school groups as well as other events where the general public is in attendance. These open public events provide wing-shooting exposure to many newcomers who have never tried shotgun shooting.

The I&E program specifically states it is for "open public events" and "other events where the general public is in attendance." The Inhofe fundraiser was a private event. In fact, there were armed sheriff deputies guarding the entrance with the explicit mission to make sure that the public could not even get near the event.

It is critical to understand that the trap shoot was not some separate event, but an absolute part of the fundraiser. No one could even access the property where the pigeon and trapshooting events occurred unless you were part of the fundraiser. That means that not only did the ODWC violate their own publicly stated rules for the I&E program, but by working at the trapshooting event means they were there to specifically promote and facilitate an integral aspect of the Inhofe fundraiser.

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The ODWC has been compromised; there is no question that their presence and support on September 5 means that state employees, and therefore public tax dollars, were used on behalf of Senator Inhofe and his re-election campaign.

An ODWC warden at the pigeon shoot



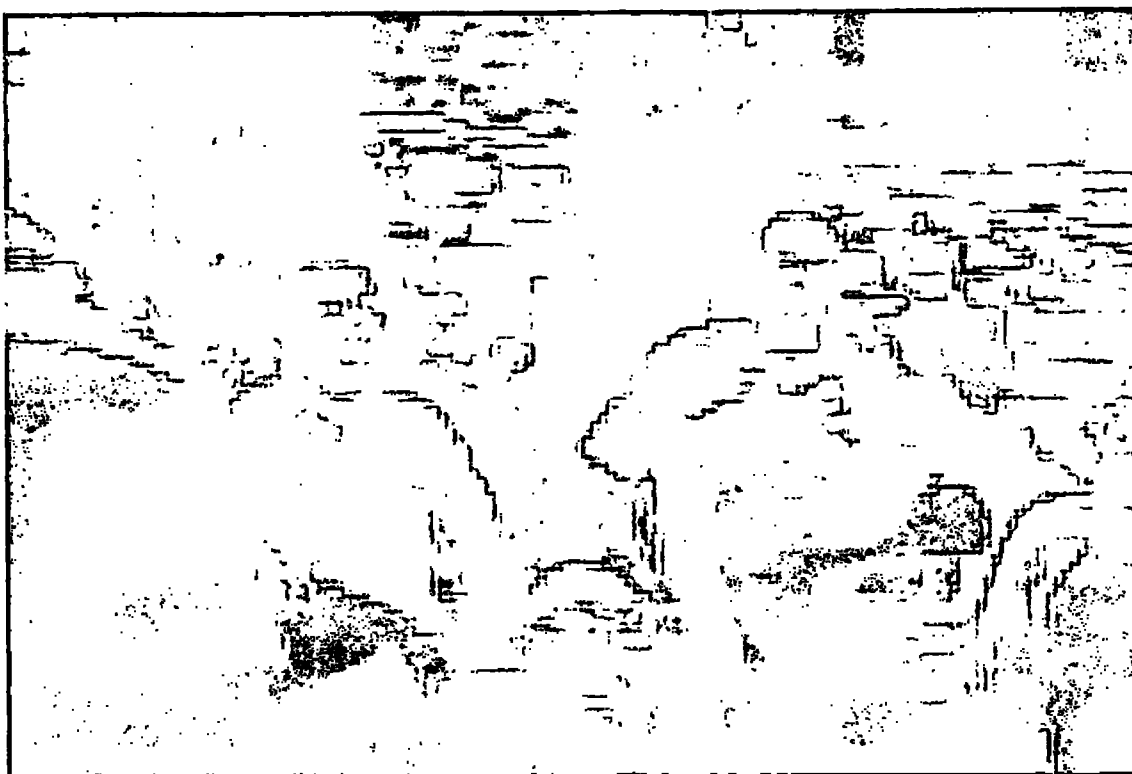
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An OWDC warden present at one of the pigeon shooting stations talking to a pigeon shooter



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Picture of wardens at the amphitheater (<https://www.facebook.com/1487816304771276/photos/pb1487816304771276.-2207520000.1411740171./1554186231467616/?type=3&theater>):



Two distinct ODWC vehicles at the fundraiser



1-800-444-4444

Exhibit D

45 mins Like 1 Remove Preview



Bryan Robertson These pigeons are captured. These particular pigeons where captured in Houston, Texas. In hove is opposition, keep your friends close, but your enemies closer. Those pigeons got condemned. There is not a relocation program for pigeons.

17 mins Like

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